

Application No. 09/639,599
Amendment Dated: May 9, 2005
Reply to Office Action of: February 8, 2005

REMARKS/ARGUMENTS

Applicant respectfully traverses the Examiner's rejection of each of the claims 1-24 over the base combination of AAPA and the Orowan reference.

In support of Applicant's position, submitted herewith is a Declaration under 37 CFR §1.132 to establish facts which are relevant to the Applicant's position that there is no proper basis for the asserted combination of AAPA and Orowan.

The Applicant and inventor of the claims 1-24 of the present application is an expert in fastening and fastening assemblies for light gauge steel construction. Indeed, the invention embraced by claims 1-24 has spawned a new business venture to develop and provide fastening systems for the light gauge steel industry.

As further set forth in the Declaration of Alex S. Toback, there is no basis or suggestion whatsoever that a person of ordinary skill in the light gauge steel construction industry at the time of the invention would consider adhesives or turn to the Orowan reference in connection with fastening light gauge steel panels to a support structure. The proposed combination is premised on a motivation for combining the references which is wholly inapt and without basis. As set forth in paragraphs 8 and 9 of the Declaration, the problem posed to the inventor was not the relief of load on the fasteners or fretting of the fasteners as ascribed by the Examiner, but was in fact a desire to reduce the labor-intensive nature of light gauge steel construction. In this regard, the Orowan reference when considered as a whole discloses as a solution a complicated supplemental

Application No. 09/639,599
Amendment Dated: May 9, 2005
Reply to Office Action of: February 8, 2005

adhesive tape structure which is meant to supplement the conventional mechanical fastening of metal members. By contrast, Applicant's invention provides a solution by reducing the cost and labor for assembling light gauge structural panels to a support structure by employing a fewer number of mechanical fasteners and an adhesive as claimed. There is nothing in AAPA or Orowan that would properly suggest the motive for combining the AAPA and Orowan reference as suggested by the Examiner.

Moreover, the Orowan reference, when properly considered as a whole, does not disclose, teach or suggest the features ascribed to it by the Examiner. This is set forth in the enclosed Declaration of Alex S. Toback.

In addition, because the base combination AAPA and Orowan fails, there is no proper basis for the additional combination with the Good, et al patent. The Examiner has also failed to address why, presented with the alleged Orowan reference, one would turn to yet another reference for a specific adhesive since Orowan has presumably solved the alleged problem. It is respectfully submitted that the only way this would occur would be through a hindsight type reconstruction after having been presented with Applicant's invention. The proposed combination does not logically flow from a proper application of Section 103 with reference to one of ordinary skill in the art at the time the invention was made.

For the record, applicant also respectfully disagrees with the Examiner's position on Page 7 that the "16-30 or more" statement in Good et al. Includes 50% by weight of hardener, and the following linking conclusion.

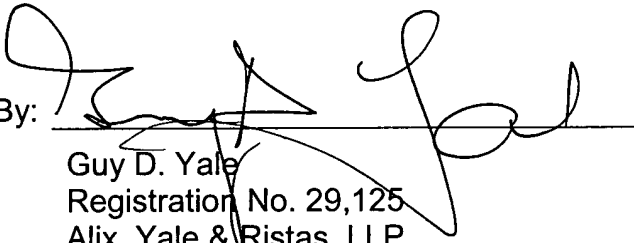
Application No. 09/639,599
Amendment Dated: May 9, 2005
Reply to Office Action of: February 8, 2005

Applicant also respectfully disagrees with the Examiner's contention at page 9 that "any coating of adhesive could be considered a 'bead' ...".

For the foregoing reasons, it is respectfully submitted that all of the claims in the application are in condition for allowance and are patentable.

Respectfully Submitted,

Alex S. Toback

By: 
Guy D. Yale
Registration No. 29,125
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: May 9, 2005
750 Main Street, Suite 1400
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: TOB/102/US

GDY/tlc

G:\AYR saved docs\Temp Cor\GDY\Talisha\Office Actions-Amendments\Response to Office Action\TOB.102.US - 5-9-05.doc